CITY OF LUMBERTON

CITY COUNCIL

MINUTES ● SEPTEMBER 9, 2013

Regular Meeting | **Council Chambers** | **7:00 PM**

500 N Cedar St, Third Floor, Lumberton, NC 28358

I. CALL TO ORDER

II. ROLL CALL

Attendee Name	Title	Status	Arrived
Raymond B. Pennington	Mayor	Present	
Don Metzger	Precinct 1	Absent	
John Robinson	Precinct 2	Present	
Jackie Taylor	Mayor Pro Tem	Present	
Harry Ivey	Precinct 4	Present	
John Cantey Jr.	Precinct 5	Present	
Robert L. Jones	Precinct 6	Present	
Leon Maynor	Precinct 7	Present	
Erich Hackney	Precinct 8	Present	
Wayne Horne	City Manager	Present	
Laney Mitchell-McIntosh	City Clerk	Present	
Robert E. Price	Interim City Attorney	Present	

III. INVOCATION

IV. PLEDGE OF ALLEGIANCE

V. PRIDE IN LUMBERTON

A. Mastaphalis Cuts and Styles -

Councilman Cantey presented Mastaphalis Cuts and Styles with a Pride in Lumberton award for their community service: giving 150 haircuts free and school supplies. Mayor Pennington thanked them for their services.

B. Sandy Grove Baptist Church -

Mike Setzer from Sandy Grove Baptist Church accepted the Pride in Lumberton award that they received for sponsoring a "Back to School" Community Day that was very successful. He thanked them for the extending their services to our youth. Mayor Pennington thanked them for the services that they have given to our youth.

C. Gregory Mitchell / Breath of Life Ministries -

Apostles Gregory Mitchell and Carla Mitchell accepted the Pride in Lumberton on behalf of Gregory Mitchell Ministries for their community services on August 24, 2013. Councilman Cantey stated that it was very successful and there were so many children present at this event that it looked like thousands. He stated that he appreciated all that the church had done to make this a successful event. Mayor Pennington thanked them for their services.

D. Recognition of Sergeants-at-Arms

1. Plt. Cedric McKinnon -

   Mayor Pennington recognized the Sergeant-at-arms; Plt. Cedric McKinnon and Plt. John Scott.

2. Plt. John Scott -

VI. PUBLIC COMMENT PERIOD

VII. CONSENT AGENDA

The Consent Agenda was approved as follows:

A. Minutes Approval

1. City Council - Regular Meeting - Aug 12, 2013 7:00 PM -

VIII. AGENDA ITEMS

1. Refer the Rezoning Petition from RMC Holdings (Larry Stone, Owner) for property located at 2503 W. 5th Street to the Planning Board for its Review and Authorize the Planning Director to set the Date of the Public Hearing - Brandon Love, Planning Director
   RMC Holdings (Larry Stone, Owner) has submitted a rezoning application for property located at 2503 W. 5th Street, parcel #'s 1013-01-001-04 and 1013-01-001-05. This request is to rezone property from B-7 and B-4 to PCU B-4 with the following conditions:

   Retail shopping center use
   No adult establishments
   No stand alone bars
   No night clubs
   No flea markets

   CPC to review the request, refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

2. Kenneth Gray Britt has submitted a rezoning application for property located at 806 E. 2nd Street - Brandon Love, Planning Director
   Kenneth Gray Britt has submitted a rezoning application for property located at 806 E. 2nd Street, parcel #3239-01-014. This request is to rezone property from M-1, Light Manufacturing to B-4, Business General Commercial.
   The intended use of the property is for a barber shop.

CPC to review the request, refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

3. Frances M. Cummings rezoning application for property located at 1400 Martin Luther King, Jr. Drive - Brandon Love, Planning Director
Frances M. Cummings has submitted a rezoning application for property located at 1400 Martin Luther King, Jr. Drive, parcel #3249-03-011. This request is to rezone property from R-7, residential single family/duplex to B-3, Office residential.
The intended use of the property is for office space.
CPC to review the request, refer the petition to Planning Board for their review, and authorize the Planning Director to set the date of the public hearing.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

4. Acceptance of August 2013 Tax Releases - Linda Oxendine, Public Services Director
Per G.S. 105-381, which authorizes the release or refund of billed and / or collected taxes when such taxes were imposed as a result of any of the following reasons: Clerical / computational error, the tax was listed and billed in the name of the wrong taxpayer, the property did not fall within the jurisdiction of the City of Lumberton, or the tax was listed in duplicate.

The City of Lumberton Tax Office submits for approval the following tax releases which were generated primarily in response to documentation from the Robeson County Tax Assessor and/or city staff clerical errors for the years and amounts outlined below:

2006-------------------1033.34
2007--------------------408.32
2010---------------------44.38
2011--------------------220.49
2012--------------------727.83
2013---------------14,663.93
Approve the tax releases for the years and amounts listed above.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

5. Amendment to the Schedule of Municipal Meetings for October & November - Wayne Horne, City Manager
The NCLM Annual Convention is scheduled for October 13-15; however, October's Council meeting is scheduled for October 14th which is in conflict with the Convention. We have several members that will be traveling to this meeting.

The November Council meeting is scheduled for the 11th which is in conflict with Veteran's Day.
Recommend that Council set the new dates for the October & November Council meetings and consider the following options:

Combine the October 9th CPC/Council meetings or:
Schedule October 21st as the Council meeting.

Combine November 6th CPC/Council meetings; or
Schedule November 18th as the Council meeting.

The municipal meetings for October and November have been changed to reflect the following: October 9th, 2013 will be a combined CPC/Council meeting at 11:00 am and November 18th, 2013, will be the meeting date for a combine CPC/Council meeting @ 11:00 am.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

6. Approval of Option to The Historic Preservation Foundation of North Carolina, Inc. for the Old City Hall - Rob Price, City Attorney
The attached Option to Purchase Real Property for Historic Preservation has been approved by Cathleen Turner, Regional Director of The Historic Preservation Foundation of North Carolina, Inc., and the Interim City Attorney. It calls for a two-year option with extensions of one year each until the City gives 30 days notice of termination. It does not set the price for the sale of the property and leaves setting of the boundaries of the tract for the City's determination at the time of any sale. A sales price of $0.00 may be determined by Council to be appropriate.
Set a sales price and approve the Option.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

7. Approve the designation of $1,500 of Community Revitalization Funds to Lumberton High School Band Uniform Project: $1,000 from the Mayor's Discretionary Fund and $500.00 from Precinct 3. - Raymond Pennington, Mayor
Mayor Pennington and Councilman Taylor request $1,500 of Community Revitalization Funds be designated to the Lumberton High School Band Uniform project; $1,000.00 from the Mayor's Discretionary Fund and $500.00 from Councilman Taylor in Precinct 3.
Designate $1,500.00 Of Community Revitalization Funds to the Lumberton High School Band Uniform project.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

8. Approve the designation of $1,000 of Community Revitalization Funds from the Mayor's Discretionary Fund to Communities in Schools Backpack Lunch Program - Raymond Pennington, Mayor
Mayor Pennington requests $1,000 of Community Revitalization Funds be designated to Communities in Schools for the Backpack Lunch program.
Designate $1,000 of Community Revitalization Funds to Communities in Schools for the Backpack Lunch program.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

9. Approve the designation of $200.00 of Community Revitalization Funds to Breath of Life Ministries, Inc. From Precinct 8 for the Community Day held on August 24, 2013. - Erich Hackney, Precinct 8
Councilman Hackney requests $200.00 of Community Revitalization Funds be given to Breath of Life Ministries, Inc., to help defray the cost of the August 24, 2013, Community Day.
Designate $200.00 of Community Revitalization Funds to Breath of Life Ministries, Inc., for the Community Day.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

10. Approve the designation of $200.00 of CRF to W.C. Playtime - John Cantey Jr., Precinct 5
Councilman Cantey requests $200.00 of Community Revitalization Funds be given to W.C. Playtime.
Designate $200.00 of CRF to W.C. Playtime.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

11. Approve the designation of $100.00 of CRF to Sandy Grove Baptist Church to Defray the Cost of Community Day - John Cantey Jr., Precinct 5
Councilman Cantey requests $100.00 of Community Revitalization Funds to Sandy Grove Baptist Church to help defray the cost of its Community Day held on August 24, 2013.
Approve the designation of $100.00 to Sandy Grove Church.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

12. Approve the Designation of $700.00 of CRF to Build a Handicap Ramp at 147 Pate Street in Precinct 4 - Harry Ivey, Precinct 4
Councilman Ivey requests $750.00 of Community Revitalization Funds to build a handicap ramp located at 147 Pate Street.
Approve the designation of $700.00 of CRF to build a handicap ramp at 147 Pate Street.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	John Robinson, Erich Hackney
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

13. Approve the Designation of $600.00 of CRF to Build a Handicap Ramp Located at West Mobile Home Park, Lot 24 in Precinct 4 - Harry Ivey, Precinct 4
Councilman Ivey requests $600.00 of Community Revitalization Funds to build a handicap ramp located at Lot 24 of West Mobile Home Park in Precinct 4.
Approve the designation of $600.00 to build a handicap ramp located at Lot 24, West Mobile

Home Park.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

14. Approve the Designation of $250.00 of CRF for a Rezoning Application for 1400 MLK Drive in Precinct 5 & Precinct 6. - John Cantey Jr., Precinct 5
Councilman Cantey /Jones request $125.00 each of CRF to pay for a rezoning application for 1400 MLK Drive.
Designate $250.00 for a rezoning application at 1400 MLK Drive; $125.00 each from P5 & P6.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

15. Approve the Designation of $750.00 to Remove & Install a Door Unit at 1419 E. 7th Street in Precinct 3 - Jackie Taylor, Precinct 3
Councilman Taylor is requesting $750.00 to remove and install a door unit so that it will be handicap accessible located 1419 E. 7th Street.
Designate $750.00 to remove and install a door unit at 1419 E. 7th Street.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

16. Approve the designation of $350.00 for a handicap Ramp at 2990 Old E'Town Road in Precinct 3 - Jackie Taylor, Precinct 3
Councilman Taylor requests $350.00 of Community Revitalization Funds to build a handicap ramp located at 2990 Old E'Town Road.
Designate $350.00 of Community Revitalization Funds to build a handicap ramp at 2990 Old E'Town Road.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

17. Approve the designation of $500.00 of Community Revitalization Funds for a Combined Community Day in Precinct 1 - $250.00 Wycliffe East and $250 Wycliffe West - Don Metzger, Precinct 1
Councilman Metzger requests $500.00 of Community Revitalization Funds to be designated for a combined Community Day; $250.00 to Wycliffe East and $250.00 to Wycliffe West.
Designate $250.00 to Wycliffe East and $250.00 to Wycliffe West for a combined Community Day.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Erich Hackney, Precinct 8
SECONDER:	Jackie Taylor, Mayor Pro Tem
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

18. Public Hearings

I. Steven Branch (Breck LLC) rezoning application for property located at 410 E 2nd Street - Brandon Love, Planning Director
Steven Branch (Breck, LLC) has submitted a rezoning application for property located at 410 E 2nd Street (Parcel #s 3238-02-016 and 3238-02-015). This request is to rezone the properties from M-1 (Light Manufacturing) to B2H (Business Community). The applicant's intent is to operate a miscellaneous retail store.
On August 20, 2013 the Planning Board voted to recommend approval of the rezoning request with the condition that a fence be installed between this property and the adjoining residential.
City Council to hold tonight’s public hearing and approve the rezoning request

19. New Business

A. Comprehensive Land Use Plan - Consultant Recommendation - Council Policy Committee
In 1965 the City of Lumberton adopted a Land Development Plan to direct development within the City and followed this action by adopting a Community Facilities Plan in 1967. These documents were updated and consolidated in 1972 and titled "The Land Development & Community Facilities Plan for Lumberton, North Carolina" and were intended to direct land use, commercial/residential development and municipal facilities growth through 1990.

In its currently adopted Capital Improvement Plan, City Council has authorized the Planning Department to make major revisions to Chapter 35 of the City Code (Land Use Ordinance), develop a new corporate limits map and draft a new comprehensive plan over the next 4-5 years. In an effort to create efficiencies in this process and ultimately save money, the Planning Department has solicited consulting services from various firms to incorporate all three tasks into one, multi-year effort. On January 24, 2013 the Planning Department submitted a Request for Proposals (RFP) to six consulting firms to provide technical, planning assistance to prepare a new Comprehensive Land Use Plan for the City of Lumberton. No responses were received from this RFP so the Planning Department contacted individual consultants to gauge interest in the project. Statements of Qualifications were subsequently received from The Wooten Company and Benchmark CMR, Inc. (David Harris of RSM Harris Associates declined to submit a proposal).

On May 8, 2013 Council Policy Committee tabled the request and asked staff to submit a Request for Proposals (RFP) to Lumber River Council of Governments (LRCOG).

On May 9, 2013 The Planning Department staff submitted a RFP to LRCOG, as well as, North Carolina Department of Commerce Office of Community Planning (NCDOC).

On May 23, 2013 LRCOG submitted their response to the RFP.

On May 23, 2013 Planning Department staff spoke with Monita McLaurin, Chief Planner with NC Division of Community Assistance. No response to the RFP was submitted.

Planning Department staff have evaluated the Qualifications Statements and provides the following recommendation to City Council.
The Planning Department recommends that City Council authorize the Planning Director to negotiate a contract with Benchmark CMR, Inc. to provide professional consulting services to prepare a new Comprehensive Land Use Plan for the City of Lumberton. Funding for this activity will be provided from the General Fund over the next two fiscal years and has been included in the City's Capital Improvement Plan.

RESULT:	**APPROVED [8 TO 1]**
MOVER:	Jackie Taylor, Mayor Pro Tem
SECONDER:	John Robinson, Precinct 2
AYES:	Pennington, Metzger, Robinson, Taylor, Ivey, Cantey Jr., Jones, Hackney
NAYS:	Maynor

B. Side Arm Bush Hog Purchase - Council Policy Committee
In September 2011 the Public Works Department purchased a Kabota tractor and side arm bush hog. The mower and tractor experienced hydraulic and oil pump problems almost immediately after being placed in service. A factory representative later determined that the Kabota tractor was not compatible with the side arm cutter and the company gave us a full refund. Public Works has found a tractor / side arm cutter combination with a proven work history. Our proposal is to purchase a John Deere

6105M Cab tractor from the State Contract and a 60" Tiger Bengal 22' side cutter from the open bid process. Below is a summary of the equipment pricing:

Tractor
John Deere 6105M Tractor: $73,330.59 State Contract, no other prices procured

Side Arm Cutter
Tiger Bengal, 60" cutter, 22' boom $43,550.00 Larry Baker Equipment, Fuquay-Varina, NC

Alamo, 60" cutter, 22' boom $63,198.00 Parker Farm Service, Kings Mountain, NC

Chambers, 60" cutter, 23' boom $38,392.00 (plus special mounting)
Chambers Products, Pioneer, TN

Although the Chambers Cutter was the lowest priced cutter, the manufacturer states it cannot be mounted on the John Deere without special mounting equipment. We recall the last compatibility problems we had with the Kabota tractor two years ago, therefore, we don't recommend purchase the Chambers cutter.

$160,000 was allocated in the capital budget in Fiscal Year 2011-2012. Public Works is requesting authorization to purchase a John Deere 6150M tractor from the State contract for $73,330.59 and a Tiger Bengal Side Cutter from Larry Baker Equipment, Fuquay-Varina, NC for $43,550.00. The total equipment purchase is $116,880.59.
Public Works is requesting authorization to purchase a John Deere 6150M tractor from the State contract for $73,330.59 and a Tiger Bengal Side Cutter from Larry Baker Equipment, Fuquay-Varina, NC for $43,550.00. The total equipment purchase is $116,880.59 to paid for from the water and sewer capital budget.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Harry Ivey, Precinct 4
SECONDER:	John Cantey Jr., Precinct 5
AYES:	Pennington, Robinson, Taylor, Ivey, Cantey Jr., Jones, Maynor, Hackney
ABSENT:	Metzger

C. Appointments to Boards and Commissions

1. Library Board - Mrs. Gail McLean - Mrs. Priscilla Leazer -

   On motion of Councilman Cantey and second of Taylor, Ms. Gail McLean and Ms. Priscilla Leazer were re-appointed to the Library Board. It carried unanimously.

D. Adjournment